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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF CALIFORNIA;
GAVIN C. NEWSOM, in his Official
Capacity as Governor of California;
KAREN ROSS, in her Official Capacity
as Secretary of the California
Department of Food & Agriculture;
ERICA PAN, in her Official Capacity as
Director of the California Department of
Public Health; and ROB BONTA, in his
Official Capacity as Attorney General of
California,

Defendants.

Case No. 2:25-cv-06230-MCS-AGR

**[PROPOSED] ANSWER AND
AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT**

The Honorable Mark C. Scarsi

Date: August 25, 2025
Time: 9:00 a.m.
Location: First Street Courthouse, 350
W. 1st Street, Courtroom 7C, 7th
Floor, Los Angeles, California 90012
Trial Date: None
Action Filed: July 9, 2025

**PROPOSED ANSWER AND AFFIRMATIVE DEFENSES OF PROPOSED
DEFENDANT-INTERVENORS**

Pursuant to Federal Rule of Civil Procedure 24(c), Humane World for Animals, Animal Legal Defense Fund, Animal Equality, The Humane League, Farm Sanctuary, Compassion in World Farming, Inc., and Animal Outlook (collectively, “Defendant-Intervenors”) submit this Answer and Affirmative Defenses to Plaintiff’s Complaint to accompany Defendant-Intervenors’ Motion for Leave to Intervene.

INTRODUCTION AND SUMMARY

1. Defendant-Intervenors are without sufficient knowledge or information to admit or deny this allegation.

2. Deny.

3. This paragraph contains Plaintiff’s characterization of Proposition 12, available at A. Padilla, Cal. Sec’y of State, California General Election—Text of Proposed Laws (Nov. 6, 2018), <https://vig.cdn.sos.ca.gov/2018/general/pdf/topl.pdf> and codified at Sections 25990–25994 of Title 13.8 of the California Health & Safety Code, to which no response is required. Defendant-Intervenors refer the Court to that law for a full and accurate statement of its purpose and provisions.

4. Deny. To the extent this paragraph contains Plaintiff’s characterization of an external document, Defendant-Intervenors refer the Court to that document for a full and accurate statement of its content.

5. Deny.

6. This paragraph contains Plaintiff’s characterization of, and legal conclusions about, the Egg Products Inspection Act, to which no response is required. Defendant-Intervenors refer the Court to that act for a full and accurate statement of its provisions. *See* 21 U.S.C. §§ 1031-1056. To the extent an answer is required for these allegations, Defendant-Intervenors deny each allegation in this paragraph.

1 7. This paragraph contains Plaintiff's characterization of, and legal
2 conclusions about, the Egg Products Inspection Act, to which no response is required.
3 Defendant-Intervenors refer the Court to that act for a full and accurate statement of
4 its provisions. *See* 21 U.S.C. §§ 1031-1056. To the extent an answer is required for
5 these allegations, Defendant-Intervenors deny each allegation in this paragraph.

6 8. This paragraph sets forth Plaintiff's characterization of the nature and
7 basis of Plaintiff's action to which no response is required. To the extent an answer
8 is required for these allegations, Defendant-Intervenors deny each allegation in this
9 paragraph.

10 **JURISDICTION AND VENUE**

11 9. This paragraph contains a legal conclusion to which no response is
12 required.

13 10. This paragraph contains a legal conclusion to which no response is
14 required.

15 11. This paragraph contains a legal conclusion to which no response is
16 required.

17 **PARTIES**

18 12. Admit.

19 13. Admit.

20 14. Admit.

21 15. Admit.

22 16. Admit.

23 17. Admit.

24 **FEDERAL LAW**

25 18. This paragraph contains Plaintiff's characterization of, and legal
26 conclusions about, the Egg Products Inspection Act, to which no response is
27 required. Defendant-Intervenors refer the Court to that act for a full and accurate
28 statement of its provisions. *See* 21 U.S.C. §§ 1031-1056.

1 19. This paragraph contains Plaintiff's characterization of, and legal
2 conclusions about, the Egg Products Inspection Act, to which no response is
3 required. Defendant-Intervenors refer the Court to that act for a full and accurate
4 statement of its provisions. *See* 21 U.S.C. §§ 1031-1056.

5 20. This paragraph contains Plaintiff's characterization of, and legal
6 conclusions about, the Egg Products Inspection Act, to which no response is
7 required. Defendant-Intervenors refer the Court to that act for a full and accurate
8 statement of its provisions. *See* 21 U.S.C. §§ 1031-1056.

9 21. This paragraph contains Plaintiff's characterization of, and legal
10 conclusions about, the Egg Products Inspection Act, to which no response is
11 required. Defendant-Intervenors refer the Court to that act for a full and accurate
12 statement of its provisions. *See* 21 U.S.C. §§ 1031-1056.

13 22. This paragraph contains Plaintiff's characterization of, and legal
14 conclusions about, the Egg Products Inspection Act, to which no response is
15 required. Defendant-Intervenors refer the Court to that act for a full and accurate
16 statement of its provisions. *See* 21 U.S.C. §§ 1031-1056.

17 23. This paragraph contains Plaintiff's characterization of, and legal
18 conclusions about, the Egg Products Inspection Act, to which no response is
19 required. Defendant-Intervenors refer the Court to that act for a full and accurate
20 statement of its provisions. *See* 21 U.S.C. §§ 1031-1056.

21 24. This paragraph contains legal conclusions about the Egg Products
22 Inspection Act and *Nat'l Meat Ass'n v. Harris*, 565 U.S. 452 (2012), to which no
23 response is required. Defendant-Intervenors refer the Court to that case and that act
24 for a full and accurate statement of their content. *See* 21 U.S.C. §§ 1031-1056.

25 25. This paragraph contains Plaintiff's characterization of, and legal
26 conclusions about, the Egg Products Inspection Act and regulations, to which no
27 response is required. Defendant-Intervenors refer the Court to that act and cited
28

1 regulations for a full and accurate statement of their provisions. *See* 21 U.S.C. §§
2 1031-1056; 7 C.F.R. § 57.1.

3 26. This paragraph contains Plaintiff's characterization of, and legal
4 conclusions about, the Egg Products Inspection Act, to which no response is
5 required. Defendant-Intervenors refer the Court to that act for a full and accurate
6 statement of its provisions. *See* 21 U.S.C. §§ 1031-1056.

7 **CALIFORNIA LAW**

8 27. This paragraph contains Plaintiff's characterization of Proposition 2, to
9 which no response is required, and Defendant-Intervenors refer the Court to that
10 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
11 Code §§ 25990-25994 (2008).

12 28. This paragraph contains Plaintiff's characterization of Proposition 2, to
13 which no response is required, and Defendant-Intervenors refer the Court to that
14 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
15 Code §§ 25990-25994 (2008).

16 29. This paragraph contains Plaintiff's characterization of Proposition 2 and
17 AB1437, to which no response is required. Defendant-Intervenors refer the Court to
18 those laws for a full and accurate statement of their provisions. *See* Cal. Health &
19 Safety Code §§ 25990-25994 (2008); Cal. Health & Safety Code § 25996.

20 30. This paragraph contains Plaintiff's characterization of Proposition 2 and
21 AB1437, to which no response is required. Defendant-Intervenors refer the Court to
22 these sections for a full and accurate statement of their provisions. *See* Cal. Health
23 & Safety Code §§ 25990-25994 (2008); Cal. Health & Safety Code § 25996.

24 31. This paragraph contains Plaintiff's characterization of AB1437, to which
25 no response is required, and Defendant-Intervenors refer the Court to that law for a
26 full and accurate statement of its provisions. *See* Cal. Health & Safety Code §§
27 25996, 25996.1.

28 32. Defendant-Intervenors are without sufficient knowledge or information to

1 admit or deny this allegation.

2 33. Defendant-Intervenors are without sufficient knowledge or information to
3 admit or deny this allegation.

4 34. This paragraph contains Plaintiff's characterization of Proposition 12, to
5 which no response is required, and Defendant-Intervenors refer the Court to that for
6 a full and accurate statement of its provisions. *See* Cal. Health & Safety Code §§
7 25990-25994.

8 35. This paragraph contains Plaintiff's characterization of Proposition 12, to
9 which no response is required, and Defendant-Intervenors refer the Court to that
10 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
11 Code §§ 25990-25994; A. Padilla, Cal. Sec'y of State, California General
12 Election—Text of Proposed Laws (Nov. 6, 2018),
13 <https://vig.cdn.sos.ca.gov/2018/general/pdf/topl.pdf>.

14 36. Defendant-Intervenors deny that Proposition 12 was driven by activists'
15 conception of what qualifies as cruel, and further state that the law itself and the
16 Voter Guide are the best sources of voter intent. *See* Cal. Health & Safety Code §§
17 25990-25994; A. Padilla, Cal. Sec'y of State, California General Election—Official
18 Voter Information Guide (Nov. 6, 2018),
19 <https://vig.cdn.sos.ca.gov/2018/general/pdf/complete-vig.pdf>.

20 37. This paragraph contains Plaintiff's characterization of an external
21 document, to which no response is required, and Defendant-Intervenors refer the
22 Court to that document for a full and accurate statement of its content. To the extent
23 a response is required, Defendant-Intervenors deny the allegations.

24 38. This paragraph contains Plaintiff's characterization of Proposition 12, to
25 which no response is required, and Defendant-Intervenors refer the Court to that
26 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
27 Code §§ 25990-25994.

28 39. This paragraph contains Plaintiff's characterization of Proposition 12, to

1 which no response is required, and Defendant-Intervenors refer the Court to that
2 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
3 Code §§ 25990-25994.

4 40. This paragraph contains Plaintiff's characterization of Proposition 12, to
5 which no response is required, and Defendant-Intervenors refer the Court to that
6 section for a full and accurate statement of its provisions. *See* Cal. Health & Safety
7 Code §§ 25990-25994 (2008).

8 41. This paragraph contains Plaintiff's characterization of Proposition 12, to
9 which no response is required, and Defendant-Intervenors refer the Court to that
10 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
11 Code §§ 25990-25994.

12 42. This paragraph contains Plaintiff's characterization of Proposition 12, to
13 which no response is required, and Defendant-Intervenors refer the Court to that
14 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
15 Code §§ 25990-25994.

16 43. This paragraph contains Plaintiff's characterization of Proposition 12, to
17 which no response is required, and Defendant-Intervenors refer the Court to that
18 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
19 Code §§ 25990-25994.

20 44. This paragraph contains Plaintiff's characterization of Proposition 12, to
21 which no response is required, and Defendant-Intervenors refer the Court to that
22 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
23 Code §§ 25990-25994.

24 45. This paragraph contains Plaintiff's characterization of Proposition 12, to
25 which no response is required, and Defendant-Intervenors refer the Court to that
26 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
27 Code §§ 25990-25994.

28 46. This paragraph contains Plaintiff's characterization of Proposition 12, to

1 which no response is required, and Defendant-Intervenors refer the Court to that
2 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
3 Code §§ 25990-25994.

4 47. This paragraph contains Plaintiff's characterization of Proposition 12, to
5 which no response is required, and Defendant-Intervenors refer the Court to that
6 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
7 Code §§ 25990-25994.

8 48. This paragraph contains Plaintiff's characterization of California code, to
9 which no response is required. Defendant-Intervenors refer the Court to that section
10 for a full and accurate statement of its provisions. *See* Cal. Health & Safety Code §
11 25995.

12 49. This paragraph contains Plaintiff's characterization of Proposition 12, to
13 which no response is required, and Defendant-Intervenors refer the Court to that
14 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
15 Code §§ 25990-25994.

16 50. This paragraph contains Plaintiff's characterization of Proposition 12, to
17 which no response is required, and Defendant-Intervenors refer the Court to that
18 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
19 Code §§ 25990-25994.

20 51. This paragraph contains Plaintiff's characterization of Proposition 12, to
21 which no response is required, and Defendant-Intervenors refer the Court to that
22 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety
23 Code §§ 25990-25994.

24 52. This paragraph contains Plaintiff's characterization of regulations, to
25 which no response is required, and Defendant-Intervenors refer the Court to those
26 regulations for a full and accurate statement of their provisions. *See* 3 Cal. Code
27 Regs. § 1320.4(a), (c).

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CLAIMS FOR RELIEF

COUNT ONE

Preemption of AB 1437

53. To the extent Plaintiff realleges and incorporates all preceding paragraphs, Defendant-Intervenors refer the Court to their responses to the specific preceding paragraphs.

54. This paragraph contains Plaintiff's characterization of the United States Constitution, to which no response is required.

55. This paragraph contains Plaintiff's characterization of the United States Constitution, and legal conclusions to which no response is required. To the extent a response is required, this allegation is denied.

56. This paragraph contains Plaintiff's characterization of, and legal conclusions about, the Egg Products Inspection Act, to which no response is required. Defendant-Intervenors refer the Court to that act for a full and accurate statement of its provisions. *See* 21 U.S.C. §§ 1031-1056.

57. This paragraph contains Plaintiff's characterization of, and legal conclusions about, AB1437, to which no response is required, and Defendant-Intervenors refer the Court to that section for a full and accurate statement of its provisions. *See* Cal. Health & Safety Code § 25995(e).

58. This paragraph contains Plaintiff's characterization of, and legal conclusions about, AB1437, to which no response is required, and Defendant-Intervenors refer the Court to that law for a full and accurate statement of its provisions. *See* Cal. Health & Safety Code § 25996.

59. This paragraph contains legal conclusions to which no response is required.

COUNT TWO

Preemption of Proposition 12

60. To the extent Plaintiff realleges and incorporates all preceding

1 paragraphs, Defendant-Intervenors refer the Court to their responses to the specific
2 preceding paragraphs.

3 61. This paragraph contains Plaintiff's characterization of Proposition 12,
4 to which no response is required, and Defendant-Intervenors refer the Court to that
5 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety Code
6 §§ 25990-25994; A. Padilla, Cal. Sec'y of State, California General Election—Text
7 of Proposed Laws (Nov. 6, 2018), [https://vig.cdn.sos.ca.gov/](https://vig.cdn.sos.ca.gov/2018/general/pdf/topl.pdf)
8 2018/general/pdf/topl.pdf.

9 62. This paragraph contains Plaintiff's characterization of Proposition 12,
10 to which no response is required, and Defendant-Intervenors refer the Court to that
11 law for a full and accurate statement of its provisions. *See* Cal. Health & Safety Code
12 §§ 25990-25994.

13 63. This paragraph contains legal conclusions to which no response is
14 required.

15 **COUNT THREE**

16 **Preemption of California's Regulations Regarding the Packaging and Labeling** 17 **of Egg Products**

18 64. To the extent Plaintiff realleges and incorporates all preceding
19 paragraphs, Defendant-Intervenors refer the Court to their responses to the specific
20 preceding paragraphs.

21 65. Plaintiff appears to cite a regulation that does not appear to exist, but
22 Plaintiff's characterization of federal regulations requires no response. To the extent
23 Plaintiff intended to reference 9 C.F.R. § 590.410, Defendant-Intervenors refer the
24 Court to that regulation for a full and accurate statement of its provisions.

25 66. This paragraph contains legal conclusions to which no response is
26 required.

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PRAYER FOR RELIEF

The balance of the Complaint constitutes a prayer for relief to which no answer is required. Defendant-Intervenors deny that Plaintiff is entitled to the relief requested, or to any relief whatsoever.

Defendant-Intervenors hereby deny all allegations not expressly admitted or denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim on which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's action and request for injunctive relief are barred by the doctrine of estoppel.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's Complaint is barred because there is no live case or controversy, Plaintiff has not suffered any injury or damage, and the Court cannot redress the purported harms alleged in the Complaint.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's action and request for injunctive relief are barred by the doctrine of waiver.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's action and request for injunctive relief are barred by the doctrine of laches.

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1 Dated: July 28, 2025

RILEY SAFER HOLMES & CANCILA
LLP

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4 By: */s/ Bruce A. Wagman*

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6 *Counsel for Proposed Defendant-*
Intervenors